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JENNER & BLOCK LLP

VIA ECF

January 26, 2024

Dean N. Panos
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dpanos@jenner.comThe Honorable Nina R. Morrison
United States District Judge
Eastern District of New York
225 Cadman Plaza East
Brooklyn, NY 11201RE: *In re Hain Celestial Heavy Metals Baby Food Litig.*, Case No. 2:21-cv-678-NM-AYS
Joint Status Report

Dear Judge Morrison:

The parties¹ submit this joint status report pursuant to the Court's May 9, 2023 Minute Order, which stayed this action pending the Second Circuit's decision in *Thomas v. Beech-Nut Nutrition Co.*, No. 23-220, and directed the parties to file a status report once that decision issued. As Plaintiffs advised the Court in their Notice of Recent Decision (ECF No. 196), the Second Circuit issued a summary order in *Beech-Nut* on January 18, 2024. In light of that decision, the parties agree that this Court should lift the stay.

Hain Celestial intends to renew its motion to dismiss Plaintiffs' Consolidated Amended Class Action Complaint, which this Court "denied without prejudice to renew" in light of the stay. The parties do not believe that a pre-motion conference is necessary unless the Court wishes to hold one. If the Court wishes to proceed without a pre-motion conference, the parties propose the following briefing schedule:

- Hain Celestial shall have until February 15, 2024, to serve its renewed motion to dismiss;
- Plaintiffs shall have until March 14, 2024, to serve their opposition to Hain Celestial's motion; and
- Hain Celestial shall have until April 4, 2024, to serve its reply in support of the renewed motion to dismiss.

¹ Plaintiffs' counsel, Danielle Izzo, confirmed via email that Plaintiffs concur in the filing of this joint status report and agree to the briefing schedule proposed herein.

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The parties will serve and file all motion papers in accordance with the “bundling rule” set forth in Section 5.2.3.1 of the Court’s Individual Practice Rules.

Respectfully submitted,

/s/ Dean N. Panos

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Counsel for Defendant The Hain Celestial Group, Inc.

CC: All counsel (via ECF)